

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1664

IN THE MATTER OF:

Served March 29, 1977

Order to Show Cause Directed to the )  
BALTIMORE AND ANNAPOLIS RAILROAD )  
COMPANY )

Docket No. 334

By Order No. 1662, served March 18, 1977, the above-entitled matter was scheduled for hearing to commence March 30, 1977, at 9:30 A. M. in the hearing room of the Commission.

Respondent Baltimore and Annapolis Railroad Company (B&A), by motion filed March 25, 1977, asks that the scheduled hearing be postponed, for the reasons (a) that respondent's officers and counsel have prior commitments for March 30, 1977, and (b) that, inasmuch as the Commission did not afford B&A 25 days' notice of the hearing, Order No. 1662 violates Rule 6-01 of the Commission's Rules of Practice and Procedure.

For the reason stated in (a) above, it is concluded that the hearing should be rescheduled to commence at 10 A. M. on Wednesday, April 27, 1977. Respondent's second rationale for postponement, however, must be rejected. In quoting the provisions of Rule 6-01, counsel for B&A significantly omitted the phrase "unless the Commission otherwise by order provides." Accordingly, it is concluded that Rule 6-01 is not offended by Order No. 1662.

The time in which respondent may file answers or other pleadings shall also be extended to a date 15 days from the date of service hereof. See Rule 12-03.

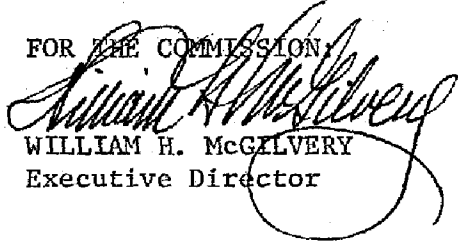
THEREFORE, IT IS ORDERED:

1. That public hearing in the above-entitled matter be, and it is hereby, rescheduled to commence Wednesday, April 27, 1977, at 10 A. M., at the place and for the purposes set forth in Order No. 1662.

2. That respondent Baltimore and Annapolis Railroad Company be, and it is hereby, permitted to file answers or other appropriate pleadings, on or before Wednesday, April 13, 1977.

3. That in all other respects, the terms and provisions of Order No. 1662, served March 18, 1977, shall continue in full force and effect, unless otherwise ordered by the Commission.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director